

# State of South Dakota

EIGHTY-NINTH SESSION  
LEGISLATIVE ASSEMBLY, 2014

187V0130

## HOUSE JUDICIARY ENGROSSED NO. **SB 163** 03/03/2014

Introduced by: Senators Lucas, Begalka, Bradford, Buhl O'Donnell, Jensen, Jones (Tom), Kirkeby, Monroe, Novstrup (Al), Omdahl, Otten (Ernie), Sutton, Tieszen, Van Gerpen, and Welke and Representatives Hickey, Bartling, Bolin, Craig, Duvall, Ecklund, Gibson, Greenfield, Hawks, Hoffman, Hunhoff (Bernie), Kaiser, Killer, Kopp, Latterell, Magstadt, May, Mickelson, Munsterman, Olson (Betty), Parsley, Qualm, Schaefer, Schoenfish, Sly, Soli, Steele, Tulson, Tyler, Verchio, and Werner

1 FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the underage  
2 consumption of alcoholic beverages on the social host's premises and to provide penalties  
3 therefor.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 No person, acting as a social host, may, knowingly, permit any person under the age of  
8 eighteen to illegally consume any alcoholic beverage, regardless of the source of the alcoholic  
9 beverage, on or at the premises of the person acting as social host. Any violation of this section  
10 is a Class 1 misdemeanor.

11 Section 2. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
12 follows:



1 No person, acting as a social host, may, knowingly, permit any person aged eighteen,  
2 nineteen, or twenty to illegally consume any alcoholic beverage, regardless of the source of the  
3 alcoholic beverage, on or at the premises of the person acting as social host. Any violation of  
4 this section is a Class 2 misdemeanor.

5 Section 3. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 It is a defense against a conviction for a violation of sections 1 and 2 of this Act that,  
8 immediately upon learning of the illegal consumption, the social host or an agent of the social  
9 host took effective and appropriate action to stop the illegal consumption and to secure or to  
10 attempt to secure the contraband alcoholic beverages.

11 Section 4. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
12 follows:

13 It is not a defense of a violation of sections 1 and 2 of this Act that the social host was not  
14 physically present on or at the premises if the social host knew that illegal consumption of  
15 alcoholic beverages would occur in his or her absence.

16 Section 5. That chapter 35-9 be amended by adding thereto a NEW SECTION to read as  
17 follows:

18 For purposes of this Act, the term, social host, means anyone who hosts a social gathering  
19 and knowingly condones the illegal consumption of alcohol by underage persons on property  
20 that the host controls.